



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE

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April 5, 2011

Mr. Theo Kampert
590 Malone Road
Pulaski, TN 38478

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 91 7108 2133 3938 7504 3139

RE: Notice of Violation
NPDES Permit No. TNA000245
Pulaski, Giles County

Mr. Kampert:

On March 25, 2011, I conducted both a routine inspection and complaint investigation of your Concentrated Animal Feeding Operation (CAFO) located on Malone Road in Giles County. The inspection consisted of visual observations and records review to determine the facility's compliance with the CAFO permit. I also investigated the complaint I had received during my inspection. Deficiencies were noted in record keeping and site management as required by the CAFO permit TNA000245.

The following deficiencies were noted in record keeping:

1. No records exist of the annual review of the site's Nutrient Management Plan (NMP).
2. No records exist of weekly visual inspections for stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structures.
3. No records exist of weekly visual inspections of containment structures and records of liquid levels in containment structures.
4. Records of daily visual inspections of all water lines, including drinking and cooling water.
5. No records exist of mortalities management and practices used to comply with the NMP and NRCS conservation practice standards 316 and 317.
6. No records exist of test methods used to sample and analyze manure, litter, and process water.
7. No records exist of the annual manure, litter, process water sampling.

8. No records exist that you have provided the recipient(s) of the manure, litter, or processed wastewater with the most current nutrient analysis, consistent with 40 CFR, 412.
9. No records exist that the recipient(s) of the manure, litter, or processed waste water have signed the Agreement for the Removal of Litter, Manure, and/or Process Wastewater from your animal feeding operation. You must keep a signed copy of form B found in the included permit.
10. No records exist of the date, recipient name and address, and approximate amount of manure, litter, or process water transferred to a 3rd party as found in Appendix C of the CAFO permit.
11. No records exist of deficiencies found as a result of inspections having been corrected and or recorded. No explanation of factors preventing immediate correction of said deficiencies.
12. No records exist of amounts of rainfall having been recorded for all rainfall events.
13. No records exist of an Annual Report having been submitted during the entire time of operation. The annual report must include the following:
 - a) Number and types of animals on site.
 - b) Estimated amount of manure and/or litter generated by the CAFO in the previous calendar year (tons/gallons).
 - c) Estimated amount of total manure, and/or litter transferred to a third party by the CAFO in the previous calendar year (tons/gallon)

Visual observations include the following violations of the site's CAFO permit and Nutrient Management Plan:

1. A rain gauge is not kept on site and properly maintained.
2. Piles of manure were noted in front of the storage barn, along the sides of each barn, and on the steep bank behind the barns on the western side of the property. The permit states that litter or manure should be stored in a manner which prevents rain and/or stormwater from coming into contact with the dry litter or manure that has been removed from the houses and/or barns. The permit also states that uncontaminated stormwater runoff must be diverted away from manure, litter, process wastewater, waste retention structures, and mortality management areas.
3. A pipe was noted discharging wash water at the front of the barn on the western side of the operation. All manure, litter, and process wastewater must be diverted into waste retention structures in such a manner as to prevent contact with uncontaminated stormwater runoff. The NMP states that wash water will be directed to an onsite lagoon.
4. The large, open, fenced in area between the two barns is not designed to be used as a loafing or staging area. This is in violation of the site's NMP and in turn a violation of the CAFO permit.

Due to the deficiencies in record keeping and site management noted above, you have violated the terms and conditions of your permit and therefore have violated the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et. seq.), which states in part:

69-3-108. Permits. – (b) It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

(7) The construction, installation or operation of a concentrated animal feeding operation.

Referenced permit violations can be found under the requirements in the following sections of the CAFO permit:

- Section 3.1 Nutrient Management Plan (NMP) Requirements
- Section 3.2 NMP Implementation
- Section 4.2. Rainfall Monitoring
- Section 4.3. Dry Waste Storage
- Section 4.6 Best Management Practices
- Section 4.8. Transfer to Third Party
- Section 5.1. Inspections
- Section 5.2. Record Keeping
- Section 5.3. Annual Report

Violations of the *Act* may subject you to civil penalties for each day the violation occurs or continues to occur. You should immediately begin keeping and maintaining the records listed above. All records should be maintained on site for five consecutive years. During the inspection, it was noted that you were working under a permit which had expired in August 2009. You should apply for coverage under a new permit immediately. Due to the design of your manure storage structures, you should apply for the General Permit SOPCD. I have included a copy of the SOPCD permit for your convenience. If you have questions concerning this matter, please contact me at (931) 490-3943.

Sincerely,



Cody Chapman
Division of Water Pollution Control

cc: Erin O'Brien, Permits Section